# Exhibit 33

#### MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, <i>Co-Chair</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> Kreindler & Kreindler LLP Paul J. Hanly, Jr., <i>Co-Liaison Counsel</i> HANLY CONROY BIERSTEIN SHERIDAN FISHER & HAYES LLP	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

#### VIA OVERNIGHT DELIVERY

May 11, 2012

Cathy Hawara
Director General
Charities Directorate
Canada Revenue Agency
320 Queen Street
Place de Ville
13th Floor, Tower A
Ottawa, ON K1A 0L5

Re: In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (FM)

#### Dear Ms. Hawara:

The undersigned serve as the co-chairs of the Court-appointed Plaintiffs' Executive Committees ("PEC"), in the consolidated multi-district litigation proceeding *In Re Terrorist Attacks on September 11, 2001*, currently pending in the United States District Court for the Southern District of New York. In that capacity, we write to present you with the attached Request for International Judicial Assistance (Letters Rogatory) for the Taking of Evidence in Civil or Commercial Matters, which was recently issued by the Honorable Frank Maas of the United States District Court for the Southern District of New York. The Request seeks your office's assistance in obtaining documentation and information concerning the World Assembly of Muslim Youth ("WAMY").

Briefly by way of background, the plaintiffs in the above referenced lawsuit - our clients - are the family members of the nearly 3,000 people killed in the September 11, 2001 terrorist attacks, individuals who were seriously injured in the attacks, and commercial entities that suffered billions of dollars in economic damages as a result of the attacks. The September 11<sup>th</sup> plaintiffs initiated their lawsuits approximately nine (9) years ago, in an effort to hold accountable individuals and/or organizations that are alleged to have provided material support or resources to al Qaeda in the years preceding the September 11<sup>th</sup> attacks. The World Assembly of Muslim Youth-Saudi Arabia and World Assembly of Muslim Youth-International are defendants in the pending September 11<sup>th</sup> lawsuits.

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In March of this year, we became aware of the Canada Revenue Agency's investigation relating to WAMY, in a letter of intent to revoke WAMY's registration in Canada issued on January 5, 2012. The attached Request, which was filed with the United States District Court for the Southern District of New York on April 30, 2012 and endorsed by Judge Frank Maas on May 2, 2012 at the request of the undersigned counsel, seeks documents and information relating to the Canada Revenue Agency's investigation of WAMY, the issuance of the letter of intent to revoke, and related materials.

The September 11<sup>th</sup> families and plaintiffs believe that materials and information in the possession of the Canada Revenue Agency relating to WAMY are directly relevant to the civil claims they are pursuing in the Southern District of New York, and would greatly appreciate your office's consideration of the enclosed Request.

Naturally, we do not want to impose any undue burden on the Canada Revenue Agency in complying with this Request. Accordingly, if there is anything the undersigned counsel can do to assist your office in responding to the Request, we would be happy to help. In the event you wish to discuss the Request, please feel free to contact plaintiffs' representative, Sean Carter, Esquire (Tel. 215-665-2105; email: <a href="mailto:Scarter@cozen.com">Scarter@cozen.com</a>).

On behalf of the September 11<sup>th</sup> plaintiffs and the undersigned counsel, we thank you in advance for your valuable assistance and attention to this matter.

Respectfully,

SEAN P. CARTER, ESQUIRE

COZEN O'CONNOR 1900 Market Street

Philadelphia, PA 19103

Tel: (215) 665-2000

RONALD L. MOTLEY, ESQUIRE

MOTLEY RICE LLC 28 Bridgeside Boulevard

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Mount Pleasant, South Carolina 29465

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> JAMES P. KREINDLER, ESQUIRE KREINDLER & KREINDLER LLP

750 Third Avenue New York, NY 10017 Tel: (212) 972-9432

cc: Sean P. Carter, Esq.
J. Scott Tarbutton, Esq.
Robert T. Haefele, Esq.
Jodi Westbrook Flowers, Esq.
James P. Kreindler, Esq.
Andrew J. Maloney, Esq.
Jerry S. Goldman, Esq.
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Alan Kabat, Esq.

PHILADELPHIA\6529352\1 117430.000

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (FM) ECF Case

This document relates to:

All Actions

# REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE (LETTERS ROGATORY) FOR THE TAKING OF EVIDENCE IN CIVIL OR COMMERCIAL MATTERS BY THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

The United States District Court for the Southern District of New York (the "Court"), presents its compliments to the Canada Revenue Agency ("CRA"), and requests international judicial assistance to obtain interaction and evidence to be used in a civil proceeding before this Court in the above-captioned matter.

## I. REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE

#### A. Sender

The Honorable Frank Maas, United States Magistrate Judge for the Southern District of New York, United States of America.

## B. Receiving Authority

Cathy Hawara, Director General, Charities Directorate, Canada Revenue Agency, Ottawa, Ontario.

## C. Person To Whom The Executed Request Is To Be Returned

This Court hereby requests that the following attorneys for the Plaintiffs and attorneys for Defendant WAMY, as officers of this Court, be permitted to access, review, select, and request for copying any and all documents and materials covered by this Request for Judicial Assistance:

Sean P. Carter, Esquire J. Scott Tarbutton, Esquire Cozen O'Connor 1900 Market Street Philadelphia, PA 19103 United States of America Robert Haefele, Esquire Motley Rice, LLC 28 Bridgeside Boulevard Mt. Pleasant, SC 29465 United States of America Andrew Maloney, Esquire Kreindler & Kreindler, LLP 750 Third Avenue New York, NY 10017 United States of America

Jerry S. Goldman, Esquire Anderson, Kill & Olick, P.C. 1251 Avenue of the Americas New York, NY 10020 United States of America Omar T. Mohammedi, Esquire Law Firm of Omar T. Mohammedi, LLC 233 Broadway, Suite 801 New York, NY 10279 United States of America

Upon completion of their review, I request that all copied documents and materials be delivered to the custody and control of Sean P. Carter of Cozen O'Connor, who will act as the confidential courier of this Court and hand-deliver those materials directly to me at the following address:

The Honorable Frank Maas
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 740
New York, New York 10007-1312

All documents and materials deposited with the Court in accordance with the requirements of this section and governing Case Management Orders shall be made available forthwith to all parties.

## D. Purpose For The Documents Requested

All documents and materials requested will be used in relation to the above-captioned civil lawsuit.

## II. LETTERS ROGATORY REQUIREMENTS:

### A. Request For Assistance

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate authority at the CRA, identified herein, produce certain documents and things, more specifically detailed herein, now in the possession of the CRA.

## **B.** Requesting Judicial Authority

The Honorable Frank Maas United States District Court for the Southern District of New York Daniel Patrick Moynihan United States Courthouse 500 Pearl Street, Room 740 New York, New York 10007-1312

## C. To The Competent Authority Of The Canada Revenue Agency

Cathy Hawara
Director General
Charities Directorate
Canada Revenue Agency
320 Queen Street
Place de Ville
13<sup>th</sup> Floor, Tower A
Ottawa, ON K1A 0L5

## D. Names And Addresses Of The Parties And Their Representatives

## 1. <u>Plaintiffs</u>

Plaintiffs in this civil lawsuit are the family members of the nearly 3,000 people killed in the September 11<sup>th</sup> Attacks, individuals who were seriously injured as a result of the Attacks, and commercial entities which suffered billions of dollars in economic damages as a result of the Attacks. Through the instant civil lawsuit, those victims of the September 11<sup>th</sup> Attacks seek to hold accountable individuals and organizations alleged to have provided financial, physical,

logistic, ideological, and other forms of material support and resources to al Qaeda and its affiliates.

### 2. Plaintiffs' Representatives

The victims of the September 11<sup>th</sup> Attacks are represented by their respective counsel. For purposes of these Letters Rogatory, the victims have appointed the following attorneys to serve as their representatives:

Sean P. Carter, Esquire J. Scott Tarbutton, Esquire Cozen O'Connor 1900 Market Street Philadelphia, PA 19103 United States of America Robert Haefele, Esquire Motley Rice, LLC 28 Bridgeside Boulevard Mt. Pleasant, SC 29465 United States of America Andrew Maloney, Esquire Kreindler & Kreindler, LLP 750 Third Avenue New York, NY 10017 United States of America

Jerry S. Goldman, Esquire Anderson, Kill & Olick, P.C. 1251 Avenue of the Americas New York, NY 10020 United States of America

## 3. Defendants

Defendants al Qaeda, et al., are organizations, states, and individuals, who are alleged by Plaintiffs to have provided financial, logistic, ideological, or other forms of material support to al Qaeda or its affiliates. The named defendants include World Assembly of Muslim Youth-Saudi Arabia and World Assembly of Muslim Youth-International (collectively "WAMY"). Civil discovery proceedings are ongoing as to WAMY in this litigation.

## E. Nature And Purpose Of The Proceedings

This is a civil lawsuit instituted by victims of the September 11<sup>th</sup> Attacks, through which those victims seek to hold alleged sponsors and supporters of al Qaeda and its affiliates legally accountable for injuries resulting from the Attacks.

#### F. Evidence To Be Obtained

Upon information and belief, the Canadian government's Canada Revenue Agency ("CRA"), under the leadership of CRA Director General Cathy Hawara, conducted an extensive investigation into the operations and activities of the World Assembly of Muslim Youth ("WAMY"), a defendant in this litigation. Arising from concerns that WAMY's Canadian branch office was failing to comply with the Canadian government's reporting requirements for purported charitable entities seeking tax exempt status in that country, the CRA reportedly conducted an audit of WAMY-Canada's financial books, records, and other materials, including a review of WAMY-Canada's registered Charity Information Returns ("T3010's").

The CRA's investigation reportedly concluded that: (1) "WAMY maintained close relationships with and provided funding to organizations that were engaged in providing resources to entities engaged in terrorist activities;" (2) WAMY-Canada shared common officers, office space, contact information, and bank accounts with Benevolence International Fund-Canada ("BIF-Canada"); (3) WAMY-Canada provided funding to Benevolence International Foundation ("BIF-USA"); and (4) WAMY-Canada distributed literature and other materials produced by WAMY-Saudi Arabia which "in [the CRA's] view, appears to promote intolerance of, and/or advocate violence against, non-Muslims and/or the use of violence as a means to bring about political or societal change."

It is the understanding of this Court that at the conclusion of the above mentioned investigation and audit, the CRA notified WAMY that the Canadian government intended to revoke its designation as a tax exempt registered charity after thirty (30) days. A true and correct copy of Director General Cathy Hawara's January 5, 2012 "Notice of Intention to Revoke the World Assembly of Muslim Youth" is attached hereto as Exhibit A. It is further the

understanding of this Court that the thirty (30) day timeframe set forth in the January 5, 2012 letter has passed and the Canadian government has in fact revoked WAMY's designation as a tax exempt registered charity.

Accordingly, this Court, in the spirit of comity and reciprocity, herein grants the Plaintiffs' request for these Letters Rogatory and requests that the documents and things set forth below be produced in response to these Letters Rogatory by the CRA. Through the recitation of these facts and the issuance of this Order, this Court has not made any judicial findings or reached any conclusions with respect to the merits of Plaintiffs' claims or the allegations contained therein.

## III. SPECIFIC REQUESTS OF THIS LETTER ROGATORY

This Court respectfully requests that the CRA produce the following documents, in response to these Letters Rogatory:

- 1. Any and all documents, evidence, or materials relating to the investigation and audit conducted by the CRA concerning the World Assembly of Muslim Youth ("WAMY"), as described in Exhibit A.
- 2. Any and all correspondence between and among the CRA, WAMY, Ayman al Taher, and/or any other WAMY representative relating to the investigation and audit described in Exhibit A.
- 3. Any and all documents, evidence, or other materials reviewed and analyzed by the CRA relative to the WAMY audit, including but not limited to, WAMY's Registered Charity Information Returns ("T3010's"), WAMY's financial and accounting records, and WAMY's bank account records.

- 4. Any and all documents, evidence, or other materials relating to WAMY's non-compliance with Canada's *Income Tax Act*, including but not limited to, WAMY's failure to maintain proper financial books and records in accordance with the Act, and WAMY's donations and/or gifts to "non-qualified" donees.
- 5. Any and all documents, evidence, or other materials relating to WAMY-Canada's relationship with WAMY-Saudi Arabia, including but not limited to, documents concerning WAMY-Saudi Arabia's control and supervision over WAMY-Canada's operations and finances.
- 6. Any and all documents, evidence, or other materials relating to annual reports prepared by WAMY-Canada and provided to WAMY-Saudi Arabia.
- 7. Any and all documents, evidence, or other materials relating to WAMY's links to terrorism, extremism, or criminal activity.
- 8. Any and all documents, evidence, or other materials provided to, and/or received from, the Financial Action Task Force ("FATF") relating to WAMY.
- 9. Any and all documents, evidence, or other materials relating to WAMY's relationship with Benevolence International Fund ("BIF-Canada"), including but not limited to, documents concerning Mohamed Khatib and any other individual(s) working simultaneously for WAMY and BIF-Canada, shared office space, shared contact information, and shared bank account(s) at Bank of Montreal.
- 10. Any and all documents, evidence, or other materials relating to WAMY's relationship with Benevolence International Foundation ("BIF-USA"), including but not limited to, the transfer of any and all funds between WAMY and BIF-USA.

- 11. Any and all documents, evidence, or other materials relating to WAMY literature or other materials which "promote intolerance of, and/or advocate violence against, non-Muslims and/or the use of violence as a means to bring about political or societal change."
  - 12. All other documents relating to the CRA's investigation and audit of WAMY.

## IV. OTHER REQUIREMENTS OF LETTERS ROGATORY

## A. Fees And Costs

Plaintiffs are responsible for reasonable copy costs and charges associated with the CRA's processing and handling of this request.

## B. Reciprocity

This Court expresses its sincere willingness to provide similar assistance to the CRA, if future circumstances so require.

#### V. CONCLUSION

This Court, in the spirit of comity and reciprocity, hereby requests international judicial assistance in the form of this Letter Rogatory seeking the documents and things described herein, from the CRA.

Date: May  $\frac{2}{2}$ , 2012

The Honorable Frank Maas

United States District Court for the

Southern District of New York

Daniel Patrick Moynihan United States Courthouse

500 Pearl Street, Room 740

New York, New York 10007-1312

SEAL OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK